

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: LTDS CORPORATION, Complainant, vs. QWEST CORPORATION, Respondent.	DOCKET NO. FCU-03-51
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ORDER GRANTING JOINT MOTION FOR EXTENSION

(Issued April 19, 2004)

On April 15, 2004, Qwest Corporation (Qwest) filed a joint motion to extend the deadline to file prehearing briefs to May 6, 2004. Qwest stated that it and LTDS Corporation (LTDS) agree that they will not be prejudiced by the requested extension.

The amended procedural order and notice of hearing issued March 12, 2004, required that LTDS and Qwest submit draft stipulated facts as discussed in the December 1, 2003, procedural order and the proposed procedural schedule filed March 10, 2004, to the Consumer Advocate Division of the Department of Justice (Consumer Advocate) on or before April 13, 2004. The order further required LTDS and Qwest to file stipulated facts and pre-hearing briefs as discussed in the body of

the December 1, 2003, procedural order and the proposed procedural schedule on or before April 20, 2004. The order further required that if the Consumer Advocate disagreed with any of the stipulated facts, it must file prepared testimony to support and explain its position on or before May 1, 2004. The order further required the Consumer Advocate to file a pre-hearing brief on or before April 20, 2004, if it chose to file a prehearing brief.

The joint motion to extend filed April 15, 2004, does not state whether Qwest and LTDS also request an extension of the requirements related to the stipulation of facts, and does not state whether the Consumer Advocate joins in or opposes the motion. The undersigned called Mr. David Sather on April 16, 2004, to obtain clarification of the motion. Mr. Sather stated that Qwest and LTDS also request an extension of the deadlines related to the stipulation of facts. He also stated that Qwest and LTDS had not talked with the Consumer Advocate, but he would do so.

The Consumer Advocate is a party in this case. In all future motions, Qwest and LTDS must explicitly state the position of the Consumer Advocate regarding the motion.

In granting the motion for extension, the undersigned is assuming the Consumer Advocate does not oppose the motion. If this assumption is incorrect, the Consumer Advocate must file its objection within five days of the date of this order.

This case involves evidence of a technical nature that is familiar to Qwest and LTDS but unfamiliar to the undersigned administrative law judge. It also involves a changed fact pattern. Therefore, it is important that Qwest and LTDS clearly identify

which facts they can stipulate to, which facts remain in dispute that must be decided, and the issues that remain in dispute that must be decided in this case.

Although the motion for extension will be granted to May 6, 2004, if the parties file future motions for extensions, the hearing date may need to be moved.

Other than the dates setting the procedural schedule and hearing, the Order Establishing Procedural Schedule and Notice of Hearing issued December 1, 2003, and the Amended Procedural Order and Notice of Hearing issued March 12, 2004, remain in effect.

IT IS THEREFORE ORDERED:

1. In all future motions, Qwest and LTDS must explicitly state the position of the Consumer Advocate regarding the motion.

2. If the Consumer Advocate opposes the motion for extension filed by Qwest and LTDS on April 15, 2004, it must file its objection within five days of the date of this order.

3. LTDS and Qwest must submit draft stipulated facts as discussed in the December 1, 2003, procedural order, the proposed procedural schedule filed March 10, 2004, the Amended Procedural Order and Notice of Hearing issued March 12, 2004, and the body of this order, to the Consumer Advocate on or before April 30, 2004.

5. LTDS and Qwest must file stipulated facts and pre-hearing briefs as discussed in the December 1, 2003, procedural order, the proposed procedural schedule filed March 10, 2004, the Amended Procedural Order and Notice of

Hearing issued March 12, 2004, and the body of this order, on or before May 6, 2004. In the stipulation of facts, LTDS and Qwest must state whether the Consumer Advocate joins in the stipulation of facts. If the Consumer Advocate disagrees with any of the stipulated facts, it must file prepared testimony to support and explain its position on or before May 13, 2004.

6. On or before May 6, 2004, Qwest and LTDS must file a joint statement clearly identifying which facts remain in dispute that must be decided, and the issues that remain in dispute that must be decided in this case.

7. All aspects of the Order Establishing Procedural Schedule and Notice of Hearing issued December 1, 2003, and the Amended Procedural Order and Notice of Hearing issued March 12, 2004, other than the procedural and hearing dates, remain in effect. A hearing for the presentation of evidence and the cross-examination of witnesses will be held in the Board Hearing Room, 350 Maple Street, Des Moines, Iowa, on Thursday, May 20 and Friday May 21, 2004, beginning at 9:30 a.m. The parties should plan to come to the hearing room at 9:15 a.m. and be prepared to discuss matters that may expedite or improve the functioning of the hearing. Each party must provide a copy of its prepared testimony and exhibits to the court reporter. LTDS must provide a copy of any stipulated facts and exhibits to the court reporter. Persons with disabilities requiring assistive services or devices to observe or participate should contact the Utilities Board at (515) 281-5256 in advance of the scheduled date to request that appropriate arrangements be made.

8. If needed, a post-hearing briefing schedule will be established at the conclusion of the hearing.

UTILITIES BOARD

/s/ Amy L. Christensen
Amy L. Christensen
Administrative Law Judge

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

Dated at Des Moines, Iowa, this 19th day of April, 2004.